

**Minutes of the
Arkansas Water Well Construction Commission Meeting
April 3, 2015**

The regular meeting of the Arkansas Water Well Construction Commission was held on February 6, 2015 at 9:00 AM in the Arkansas River Room at Arkansas Natural Resources Commission, 101 East Capitol, Suite 350, Little Rock, Arkansas.

Commissioners in attendance: Vice-Chairman Jones; Commissioners Pender, McDermott, Hunt, Gilbert, and Edward Swaim, Chief Water Resources Management Division acting as AWWCC Executive Secretary for Mr. Randy Young.

Arkansas Natural Resources Commission staff in attendance included: Crystal Phelps, General Counsel; Deanna Ray, Associate General Counsel; Jessica Wallace, ANRC Administrative Services Manager; Todd Fugitt, ANRC Geology Supervisor; Jacob Harvey, Water Well Inspector; Perry Dotson, Water Well Inspector; Jackie Broach, Ground-Water Administrative Analyst.

Vice Chairman Jones called the regular meeting of the Arkansas Water Well Commission to order.

Approval of Minutes:

Vice Chairman Jones presented the February 6, 2015 Commission Minutes. Commissioner McDermott made a motion to accept the Minutes as presented, seconded by Commissioner Pender. Motion carried.

Executive Secretary's Report:

Acting Executive Secretary Edward Swaim asked Ms. Jessica Wallace, to present the financial report.

Financial Report:

Jessica Wallace, ANRC Administrative Services Manager, presented the monthly financial report ending March 31, 2015. She reported Total Revenue of \$183,474.98; YTD Expenses of \$120,574.26; and YTD Net Revenue of \$62,900.72, leaving a Total Fund Balance of \$349,599.64. Ms. Wallace reported that finances are within \$2,000.00 reported at this same time last year.

Financial Report was approved.

Legal:

Associate General Counsel Deanna Ray gave a Legislative Update. She reported that the proposed Rule Changes approved by AWWCC have been sent to Governor Hutchinson's office and we have not received them back as of this date. She reported on the following:

- House Bill 1055 to allow plumbers to install or service a water well without having AWWCC registration has been referred to the Public Health & Welfare legal committee and as of this date has not made it out of that committee yet.
- Senate Bill 2 requiring state agencies to receive approval of rules and regulations changes from the legislative rules committee prior to the rule making process, which is a change in procedures. Previously the committee just had to review them in order for us to proceed.
- Senate Bill 757, which is called the Private Property Protection Act was delivered for the governor's signature on March 27, 2015. The purpose of this bill was to protect private property owners from losing property values due to the implementation of regulatory programs and establishes an official compensation system for the property owners. Property owners must show a 20% permanent decrease in the value of their property in order to receive compensation. This does not apply to government eminent domain proceedings. It also states that if an electric utility company acquires land through eminent domain, they have to pay the property owner three times the market value of the property they take.
- Senate Bill 631 was delivered to the governor for signature on March 30, 2015 which changes the definition of 'contractor' so that it requires the minimum amount required to classify a person as a 'contractor' to \$50,000.00 instead of the previous minimum amount of \$20,000.00. Everywhere in the law that reads \$20,000.00 amount will now read \$50,000.00.
- House Bill 1844 was delivered to the governor for signature on April 1, 2015. This Bill would create the Arkansas Business Portal Act, which would require the Secretary of State to establish standards and requirements necessary to implement a business portal to serve as a go-between for businesses and various state and local agencies that license them. If the Secretary of State determines that an agency meets the standards and requirements necessary to participate in the portal, then it will authorize the state or local agency to participate in it. The businesses would then apply to the Secretary of State for their licensing and renewals.
- Senate Bill 1039 was delivered to the governor for signature on April 2, 2015. This Bill would add a new statute regarding conflict of interest for a special state employee involved in state procurement. A special state employee is defined as a person appointed to an agency regardless of whether the person receives compensation, reimbursement for travel expenses per diem either formally or informally. A conflict of interest is defined to include an offer of employment from an entity involved with

procurement, being an officer or employee of a business association or non-profit organization that is involved in a procurement matter or receiving compensation from an entity that is involved with procurement with a state agency. A covered state employee cannot receive or read confidential material relating to, participate in a discussion of, or attempt to influence the agencies decision on an active procurement matter. Doing so would be conflict of interest by the state employee. The employee is also barred from representing any entity other than the state in the matter in which he or she participated in making a decision, rendering approval or from making a recommendation on the behalf of the agency. Former employees are also barred from lobbying a state agency for one year after termination of employment.

- House Bill 1823 was delivered to the Governor for signature on March 30, 2015. This bill requires a licensing entity to adopt by rule reduced requirements for reinstatement of a license. For a person who has previously held a license, registration, or certification and is good standing with the agency, but has let them lapse over ten years, the agencies cannot require the applicant to participate in any apprenticeship, education, or training required as prerequisite for licensing as a new professional in the field. The reinstatement would be available for all persons regardless of state residency. If a person is applying for reinstatement and has demonstrated that he or she is not holding a suspended or probationary license in any other state, applicants do not have to comply with requirements of reinstatement if the person meets reciprocity requirements.
- Senate Bill 382 was delivered to the Governor on April 1, 2015 which would structure agencies into ten integral departments and would create a study that would study the economic benefits of combining agencies into these ten major state agencies. Water-Well and Natural Resources would fall under the Department of Natural Resources in that case. The bill would allow the Governor to add additional departments if he deems it necessary. This is just a study at this time and does not mean that this is going to happen.

Commissioner Tom Hunt asked Associate General Counsel Ray if House Bill 1823 has been signed by the Governor yet. Associate General Counsel Ray responded that he hadn't to her knowledge as of this date, but has been delivered for his signature. Commissioner Pender asked if the applicant would be required to catch up on his continuing education and Associate General Counsel Ray responded not according to this bill. Commissioner Pender responded that he felt that it should be required in order to reinstate and that 10, 12 or 15 years or so was too long a time without having to meet these requirements in order to reinstate.

Commissioner Tom Hunt asked if House Bill 1055 was still in committee and Associate General Counsel responded that it was. General Counsel Crystal Phelps responded that the legislature ended on June 4 and if it had not gone to chamber, would not make it out of the committee. Commissioner Hunt asked about House Bill 1844 and was discussed. Associate General Counsel Ray responded that it is not known how it would be created.

Consideration of Applicants:

Jackie Broach presented the following applicants for Commission approval:

STATUS OF THOSE ALREADY APPROVED:

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>	<u>EXAM</u>
Arlin Keith Barge	Tolunay Wong Engineers	Houston, TX	(D) Passed
Clay D. Boreing	John Boreing Water Wells	Magnolia, AR	(D/PI) Passed
Brian G. Gose	Cascade Drilling, LP	Ocala, FL	(D) Passed
Steven D. Hill	W.E. Pender & Sons	Texarkana, AR	(D) Passed

NEW DRILLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Todd R. List	Layne Christensen Company	Guthrie, OK
Joseph K. Hall	Anderson Engineering	Little Rock, AR

Motion made by Commissioner Pender to approve applicants as submitted, seconded by Commissioner McDermott. Motion carried.

NEW PUMP INSTALLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Douglas E. Assenmacher	Layne Christensen Company	Kansas City, KS

Motion made by Commissioner McDermott to approve applicant as submitted, seconded by Commissioner Pender. Motion carried.

NEW DRILLER APPRENTICE APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Travis Nofzinger	Cart Well Company	Weiner, AR
Billy K. Railey	Grubbs, Hoskyn, Barton & Wyatt	Little Rock, AR
Jay R. McKiever	Grubbs, Hoskyn, Barton & Wyatt	Little Rock, AR

Motion made by Commissioner Gilbert to approve applicants as submitted, seconded by Commissioner Pender. Motion carried.

NEW PUMP INSTALLER APPRENTICE APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Kenneth L. Hill	Madison County Hardware	Huntsville, AR
Robin M. Munzner, Jr.	Munzner Pump Company	Harrison, AR

Motion made by Commissioner McDermott to approve applicants as submitted, seconded by Commissioner Gilbert. Motion carried.

Inspectors Report:

Inspectors Report
4/3/15

- Illegal Drilling and Pump Installers inspections
 - Baxter Co. – On going
 - Benton Co.- (geothermal) On going
 - Faulkner Co. – On going
 - Madison Co.- On going
 - Pope Co. – (geothermal) On going
- Well Inspections
 - Izard Co.
 - Miller Co.
- Contractor Visits
 - Benton Co.
 - Boone Co.
 - Carroll Co.
 - Clay Co.
 - Conway Co.
 - Franklin Co.
 - Fulton Co.
 - Izard Co.
 - Lonoke Co.
 - Marion Co.
 - Poinsett Co.
 - Polk Co.
 - Randolph Co.
 - Scott Co.
 - Washington Co.
- Anonymous calls on unlicensed contractors (0)
- Spring water level measurements

Water well database Report (January-March) 2015

- 93 well reports entered by staff.
- 202 well reports entered by (48) contractors
- Trained 6 contractors/drillers on how to use the water well database and enter construction reports.

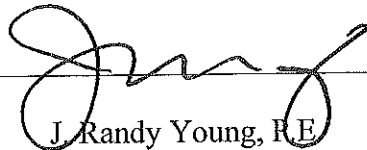
Commissioner Hunt asked if the illegal geothermal inspections were out of state. Mr.

Perry Dotson responded that he was calling and checking on where the wells are and who is drilling them and hasn't found any to be illegal.


Other Business:

There was no other business.

Meeting adjourned.



J. Randy Young, R.E.
Executive Secretary



Date